



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,643	12/31/2001	Thomas A. Musser	1007-0540 / M7302	5807

7590

12/08/2004

Mark D. Becker
Emerson Appliance Controls
2831 Waterfront Parkway East Drive
Indianapolis, IN 46214-2016

EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
----------	--------------

1746

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/036,643	MUSSEY ET AL. DH	
	Examiner	Art Unit	
	FRANKIE L. STINSON	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 27-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 1746

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 27-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al. (U. S. Pat. No. 6,727,443)

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Re claims 27, 32, and 37, note that Peterson discloses a modular washing machine control comprising: a circuit board (see col. 12, line 42-43); a processor (60 in ASC 10, see fig. 10) mounted on the circuit board, the processor having input lines and output lines, a water valve driver mounted on the circuit board (242, see col. 6, lines 14-20; col. 29, lines 45-60) and being operatively coupled to the processor so that the processor operates a water valve by generating a signal on an output line of the processor that is coupled to the water valve driver, a water temperature selector (44, see col. 12, lines 20-32 and col. 12, line 63, through col. 13, lines 5) mounted on the circuit board

Art Unit: 1746

and operatively connected to the processor so that a signal generated on the circuit board by the selector is received by the processor and used to control the signal on the output line to the water valve driver, and a housing mounted (40) to the circuit board to enclose the water temperature selector, water valve driver, and processor so that the water temperature selector, water valve driver, and processor may be mounted to the frame of a washing machine as an integral unit. Note that since the ACS is mounted on the circuit board, the components associated therewith are also mounted on the circuit board. Re claims 28, 33 and 38, Peterson discloses the potentiometer that inherently includes a dial and shaft (see col. 14, line 56 through col. 15 line 16.) Re claims 29, 34 and 39, Peterson discloses the analog-to-digital input (dials 44 to the processor) and the look up table (memory 116). Re claims 30, 35 and 40, Peterson discloses the temperature sensor and/or temperature signal generator (30) as claimed. Re claims 31, 36 and 41, Peterson discloses the detent (as in detent plate 152). Re claim 42, Peterson discloses the housing (40).

2. Applicant's arguments with respect to claims 27-42 have been considered but are moot in view of the new ground(s) of rejection.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Japan'367, Hornung, Japan'554, Hisano. Diaz, Knopp et al., Kawaguchi et al., Choi, Cotton, Nordby et al., La Gars et al., Janicek, Outcalt et al., Janutka et al., and Quand et al., note the control means.

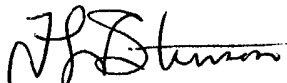
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is

(703) 308-0661. The examiner can normally be reached on M-F from 5:30 am to 2:30 and some Saturdays from approximately 7:30 am to 1:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls


FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746